IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL W.P.NO.2036 OF 2005

M/s.Mahavir Cut Piece Center
and Or. ..Petitioners
Vs.
M/s.Suham Distributors
& Anr. ..Respondents

...
Mr.Sachin Chavan i/b S.S.Kulkarni
Advocate for Petitioners
Mr.B.H.Mehta A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 1,2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued against them by the learned Metropoltian Magistrate, 44th Court at Andheri, Mumbai in C.C.No.289/SS/2005. In the said case, process was issued against them under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am

of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial before the trial Court is stayed for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]